

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

DISTRICT :

WRIT PETITION NO.345 OF 2007

Office Notes, Office Memoranda
of Coram, appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's
orders

Mr.Uday Warunjikar for the Petitioner.

CORAM : S.J.VAZIFDAR, J.
DATED : 16TH JANUARY, 2007

P.C:

The impugned order is passed in a proceeding which is ex-facie not maintainable. The recovery certificate was granted in favour of the Respondent bank. That recovery certificate has not been challenged to date and has attained finality.

2. The impugned order was passed in proceedings seeking to re-open the merits of the matter between the parties inter-alia, by challenging the documents and the main transaction.

All those issues were covered in proceedings under section 101.

3. That the Petitioner succeeded in obtaining an ad-interim order in these proceedings, which are ex-facie not maintainable, is no ground to continue the injunction. The impugned order correctly rejected the same, although on different grounds.

4. Writ Petition is therefore dismissed.